IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDEABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL

TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE Mr. JUSTICE B. SUDERSHAN REDDY

AND

THE HON'BLE Mr. JUSTICE C.V. RAMULU

WRIT PETITION No.5020 of 2005

Between:

M/s. New Techno Graphics, Room No.20,

3rd Floor, Unity House, Abids, Hyderabad-500 001,

Rep. by its Sole Proprietor Sri P. Laxmi Narayan Rao

... Petitioner

AND

1. The Additional Commissioner of Customs

& Central Excise,

Hyderabad II Commissionerate,

Basheerbagh, Hyderabad.

2. The Assistant Commissioner of Customs,

ICD Sanathnagar, Hyderabad.

… Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the order No.C. No.S/16/IMPORTS/17/ 05-ICD (Order-in-Original No.06/2005), dated 10-03-2005, passed by the 1st respondent as illegal, arbitrary, violative of principles of natural justice, without jurisdiction, void abinitio, ultra vires the provisions of customs Act 1962 and violative of petitioners fundamental rights guaranteed under Articles 14 & 21 of the constitution and to set aside the same with all consequential benefits and to pass such other order or orders which this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: M/s. Mohan Vinod & Associates

Counsel for the Respondents: Mr. A. Rajshekar Reddy,

Asst. Solicitor General

The Court made the following:

ORDER:(Per Hon'ble Sri Justice B. Sudershan Reddy)

It is brought to the notice of the Court by the learned Assistant Solicitor General that the goods were not released pursuant to the directions of this Court but pursuant to the order passed by the appellate authority directing release of the goods. In such circumstances, there cannot be any objection permitting the petitioner to withdraw this writ petition.

The Writ Petition shall accordingly stand dismissed as withdrawn without any order as to costs. The dismissal of the writ petition in no manner shall affect the validity of the order passed by the appellate authority.

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B. SUDERSHAN REDDY, J

Date:28-04-2005.

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C.V. RAMULU, J

PV

To

1. The Additional Commissioner of Customs &

Central Excise,

Hyderabad II Commissionerate,

Basheerbagh, Hyderabad.

2. The Assistant Commissioner of Customs,

ICD Sanathnagar, Hyderabad.

3. Two C.D. copies.